

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Rosemary Heredia, Assistant Deputy Clerk.

F042270 Johnston et al. v. Clark et al.

Cause called and argued by Gary M. Bullock, Esq., counsel for appellants and by Daniel M. Kopfman, Esq., counsel for respondent.

Cause ordered submitted.

F042199 People v. Hasting

Cause called and argued by William Arzbaeher, Esq., Central California Appellate Program, counsel for appellant. Connie A. Proctor, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Submission deferred pending filing of supplemental letter briefs on or before Friday, June 4, 2004.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Rosemary Heredia, Assistant Deputy Clerk.

F041558 People v. Jaime

Cause called and argued by Thomas M. Marovich, Esq., counsel for appellant. Lloyd G. Carter, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

F043947 Viking Ready Mix Co., Inc. v. Calif. Labor Commissioner et al.

Cause called and argued by Spencer H. Hipp, Esq., counsel for appellant and by Miles E. Locker, Esq., counsel for respondent Calif. Labor Commissioner and by Matthew Alan Morbello, Esq., counsel for respondent General Teamsters Union Local No. 94.

Cause ordered submitted.

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Court recessed until Wednesday, May 12, 2004 at 1:30 P.M.

F042280 People v. Avalos

The judgment is affirmed. Harris, Acting P.J.

We concur: Cornell, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042749 People v. Chavez

The conviction for murder in the first degree and the true findings under sections 186.22, subdivision (b)(1), 190.2, subdivision (a)(15), and 12022, subdivision (b) are affirmed. The sentence is vacated and the matter is remanded to the trial court for further proceedings on the prior conviction allegation and resentencing. Cornell, J.

We concur: Vartabedian, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043775 People v. Hughes

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F043775 People v. Hughes

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043627 In re Tommy S., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F043627 In re Tommy S., a Minor

The matter is remanded to the juvenile court so that it may make the express declaration required by section 702, in conformity with rules 1487(f)(9) and 1497(a)(1). The biological testing order is vacated and any samples or prints submitted pursuant to that order shall be destroyed. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044810 People v. Sengsavang

No brief having been filed by appellant after notice duly given under rule 17(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F044781 People v. Gafford

No brief having been filed by appellant after notice duly given under rule 17(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F045208 James C. v. Stanislaus Co. Community Services Agency

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041213 Hempe et al., v. Assurance Co of America

The judgment is affirmed. Costs are awarded to ACA. Wiseman, J.

We concur: Harris, Acting P.J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043453 People v. Conley

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F043453** **People v. Conley**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F042331** **People v. Spark**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F043228** **People v. Crabb**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F043228** **People v. Crabb**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F043122** **People v. Follansbee**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F043122** **People v. Follansbee**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F041725** **People v. Perez**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F041725 People v. Perez

The Appellant's count two conviction for a violation of section 496d is reversed. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]